

REMARKS

Substance of Interview

Applicant's representative Elliott Mason (Reg. No. 56,569) and his colleague Frank Gerratana (Reg. No. 62,653) thank the Examiner for the telephone interview on February 3, 2010. In accordance with MPEP Section 713.04, the substance of the interview is included herein. No exhibits were shown.

Regarding the 35 U.S.C. 103 rejection of claim 1, Applicant's representative asked questions (submitted in advance in writing) in order to obtain clarification of the particular parts of the cited portions of the references being relied upon to reject the claim. The Examiner clarified how he believes the claim elements correspond to the cited portions.

At the conclusion of the discussion, the Examiner agreed to reconsider the rejection of claim 1. The Examiner also tentatively agreed that the rejections of claims 7 and 57 would be withdrawn.

Prior art Rejections

Claims 1-6, 12, 17-19 and 65-70 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) in view of Heer (US 6,028,933) and Cimini (US 7,519,030).

Claims 7-8, 28-36, 41, and 44-48 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) in view of Ketchum (US 2005/0135403).

Claims 9-11, 13 and 49-56 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) in view of Rakib (US 2002/0015423).

Claims 14-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) in view of Gibson (US 6,445,717).

Claim 20-24 and 26-27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) in view of Krishnamurthy (US 2008/0132264).

Claim 25 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) / Krishnamurthy (US 2008/0132264) in view of Del Prado Pavon (US 2004/0047351).

Claims 37-40 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) / Ketchum (US 2005/0135403) further in view of Henson (US 2002/0131591).

Claims 42-43 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Alapuranen (US 2004/0010736) / Heer (US 6,028,933) / Cimini (US 7,519,030) / Ketchum (US 2005/0135403) in view of Rakib (US 2002/0015423).

Claims 57-63 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Ketchum (US 2005/0135403) in view of Cimini (US 7,519,030) / Heer (US 6,028,933).

Independent claims 1 and 49

Applicant submits that no proper combination of Alapuranen, Heer, and Cimini describes or would render obvious at least “at the MAC layer ... encapsulating content from a plurality of the high level data units into a stream of sub-frames ... dividing the encapsulated stream into a plurality of pieces ... at least some of the low level data units each containing a plurality of the pieces into which the encapsulated stream was divided,” as recited by each of claims 1 and 49.

On pages 3-4 of the Office Action, the Examiner cites Cimini, Col 3, line 51 - Col 4 line 2 as disclosing “at the MAC layer, encapsulating content from a plurality of the high level data units into a stream of sub-frames.” The Examiner points to the portion of this passage that describes that “**The MPDU 50 includes a variable length body 52 encapsulated by an MPDU header 54 and a Frame Check Sequence (FCS) 56. The body 52 corresponds to the MSDU...**” Further, during the interview, the examiner equated the MSDU with the “high level data unit” of claim 1. However, the cited passage describes encapsulating a single MSDU or a portion of an MSDU within a

single MPDU (“...the MPDU 50 may have the capacity to contain an entire MSDU 52 or only a fragment of the MSDU 52.”). Cimini does not appear to disclose anything further that would correspond to either “encapsulating content from a plurality of the high level data units” or “encapsulating...into a stream of sub-frames,” as required by the claims.

Additionally, the Examiner cites Alapuranen, paragraph [0029] as disclosing, “at least some of the low level data units each containing a plurality of the pieces into which the encapsulated stream was divided,” stating that “**physical layer packet equated as a low level data unit**” and “**physical layer packet which can consist of single or multiple segments in a data stream.**” However, paragraph [0028] of Alapuranen describes “**send[ing] a media access control protocol data unit (MPDU) as a stream of segments to a receiving node.**” Thus, Alapuranen’s segments are portions of a single MPDU, not “pieces into which [an] encapsulated stream [of sub-frames] was divided,” for example. Further, combining Alapuranen with Cimini does not remedy this deficiency because, as described above, Cimini also fails to disclose the step of “encapsulating content...into a stream of sub-frames.”

Accordingly, Applicant submits that claims 1 and 49 are patentable over the references. As noted above, the Examiner agreed to reconsider the rejection of claim 1.

Independent claim 57

As noted above, the Examiner tentatively agreed to withdraw the rejection of claim 57.

Dependent claim 2

Claim 2 is properly dependent on claim 1, and is thus allowable therewith.

Additionally, claim 2 requires that “at least some information common to the high level data units is not repeated for each high level data unit encapsulated in the stream.”

On page 5 of the Office Action, the Examiner points to Cimini, col 3. line 61 – col. 4 line 2 as disclosing “wherein at least some information common to the high level data units is not repeated for each high level data unit encapsulated in the stream.” However, Cimini only describes encapsulating one MSDU or a portion of one MSDU. Because Cimini does not

describe operating on more than one high level data unit, Cimini does not disclose information common to multiple high level data units, as required by claim 2.

Dependent claim 4

Claim 4 is properly dependent on claim 1, and is thus allowable therewith.

Additionally, claim 4 requires that “the high level data units each comprise a payload, and encapsulating comprises forming the stream comprising the payloads from a succession of high level data units.”

On page 5 of the Office Action, the Examiner points to Cimini, col 3. line 61 – col. 4 line 2 and Figure 3, item 60 as disclosing “wherein the high level data units each comprise a payload, and encapsulating comprises forming the stream comprising the payloads from a succession of high level data units.” However, Cimini only describes encapsulating one MSDU or a portion of one MSDU. Because Cimini does not describe operating on more than one high level data unit, Cimini does not disclose operating on payloads from a succession of high level data units, as required by claim 4.

Dependent claim 7

As noted above, the Examiner tentatively agreed to withdraw the rejection of claim 7.

Dependent claims 3, 5-6, 8-48, 50-56, and 58-70

These dependent claims stand rejected under 35 U.S.C. 103(a) as unpatentable over Alapuranen, Heer, and Cimini in view of one or more additional references as shown above, however, no proper combination of Alapuranen, Heer, and Cimini and any of the additional references teaches or suggests the subject matter of the independent claims found to be lacking in Alapuranen, Heer, and Cimini. These dependent claims are properly dependent on a respective one of the independent claims, and are thus allowable therewith. These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability.

Applicant : Lawrence W. Yonge III et al.
Serial No. : 10/720,742
Filed : November 24, 2003
Page : 17 of 17

Attorney's Docket No.: 04838-0077001

For that reason, and not because Applicant agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

No fee is believed to be due, however, please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 04838-0077001.

Respectfully submitted,

Date: February 10, 2010

/Elliott J. Mason, III/

Elliott J. Mason, III Reg. No. 56,569

Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22302462.doc